



**MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION
PERMIT**

Issued To:

**Barton Hills Maintenance Corporation
Attn: Fred Brown
330 Barton Shore Drive
Ann Arbor, Michigan 48105**

**Permit No: WRP035284 v.1
Submission No.: HP3-JNHP-8VV69
Site Name: 81-201 Barton Shore Drive-Ann Arbor
Issued: October 27, 2022
Revised:
Expires: October 27, 2027**

This permit is being issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); specifically:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Part 301, Inland Lakes and Streams | <input type="checkbox"/> Part 323, Shorelands Protection and Management |
| <input type="checkbox"/> Part 303, Wetlands Protection | <input type="checkbox"/> Part 325, Great Lakes Submerged Lands |
| <input type="checkbox"/> Part 315, Dam Safety | <input type="checkbox"/> Part 353, Sand Dunes Protection and Management |
| <input type="checkbox"/> Part 31, Water Resources Protection (Floodplain Regulatory Authority) | |

EGLE certifies that the activities authorized under this permit are in compliance with the State Coastal Zone Management Program and certifies without conditions under the Federal Clean Water Act, Section 401 that the discharge from the activities authorized under this permit will comply with Michigan’s water quality requirements in Part 31, Water Resources Protection, of the NREPA and associated administrative rules, where applicable.

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

Authorized Activity:

On Barton Pond, at three sites along the northern shoreline, place woody structures along the shoreline for erosion control and habitat.

Woody structures shall consist of the following:

One to three turtle logs, a single fish stick structure, and a multiple fish stick structure. The turtle logs will extend up to 50 feet lakeward of the Ordinary High-Water Mark (OHWM), the single fish stick will extend up to 65 feet lakeward of OHWM, and the multiple fish stick structure will extend up

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to 40 feet lakeward of the OHWM. Once woody structures have been set in place, they will be anchored securely to the shoreline. Anchoring will include the placement of up to 10 cubic yards of 12-to-18-inch riprap per woody structure. Woody structures shall be placed in such a manner that they will not impede navigation and will not impede access to the waterway.

All work shall be completed in accordance with the approved plans and specifications of this permit.

Waterbody Affected: Barton Pond

Property Location: Washtenaw County, Ann Arbor Township, Town 02S, Range 06E, Section 17,
Property Tax No. 09-09-17-200-001

Authority granted by this permit is subject to the following limitations:

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with 2013 PA 174 (Act 174) and comply with each of the requirements of Act 174.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify EGLE within one week after the completion of the activity authorized by this permit by completing and forwarding the attached preaddressed postcard to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of EGLE.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
- L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31 of the NREPA, and wetlands).
- M. In issuing this permit, EGLE has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, EGLE may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.

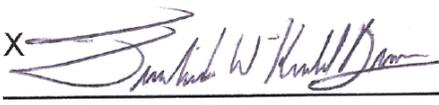
- N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the state: (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the state, and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act, 1969 PA 306, as amended, challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
- O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, EGLE may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
- P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from EGLE. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by EGLE prior to being implemented.
- Q. This permit may be transferred to another person upon written approval of EGLE. The permittee must submit a written request to EGLE to transfer the permit to the new owner. The new owner must also submit a written request to EGLE to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties that includes all the above information may be provided to EGLE. EGLE will review the request and, if approved, will provide written notification to the new owner.
- R. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.
- S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.
- T. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent (CEA).
- U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.
- V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
- W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the water body are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.

- X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the Michigan Department of Natural Resources, Fisheries Division.
- Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:
1. Prior to the start of construction, all adjacent non-work wetland areas shall be protected by properly trenched sedimentation barrier to prevent sediment from entering the wetland. Orange construction fencing shall be installed as needed to prohibit construction personnel and equipment from entering or performing work in these areas. Fence shall be maintained daily throughout the construction process. Upon project completion, the accumulated materials shall be removed and disposed of at an upland site, the sedimentation barrier shall then be removed in its entirety and the area restored to its original configuration and cover.
 2. If the City of Ann Arbor finds that the woody structures are causing significant negative impacts to the public water intake, or there is a violation of Michigan's Part 4 rules, Water Quality Standards, promulgated under Part 31, Water Resources Protection, or other parts of the NREPA, the City may request in writing to EGLE that the permittee remove the structures from the bottomland Barton Pond.
 3. In addition to or in lieu of structure removal, EGLE may require corrective actions and subsequent monitoring. Upon request by EGLE, the permittee shall:
 - a. Assess the problem and its probable causes.
 - b. Develop reasonable and necessary corrective measures as a revision to original plans.
 - c. Submit proposed corrective measures, including a schedule for implementation, to EGLE for confirmation and approval within 60 days of identification of the problem.
 - d. Upon EGLE approval, implement corrective measures according to the approved schedule.
 - e. Perform additional monitoring as necessary to evaluate the success of the corrective measures.
 4. Woody structures shall consist of only natural, untreated wood.
 5. Woody structures shall be placed in such a manner as to prevent hazards to navigation and will not impede access to the waterway.
 6. Structures shall not extend more than 65 feet lakeward of the OHWM for the single fish stick, 50 feet lakeward of the OHWM for the turtle logs, and 40 feet lakeward of the OHWM for the multiple fish stick structure.
 7. Woody structures shall be anchored securely to the shoreline. Temporary anchors may be removed after the woody structures have integrated themselves into the shoreline. Temporary anchors may be removed a minimum of two years after installation.
 8. Structures shall be set in place in accordance with the approved plans.

9. Riprap shall be properly sized (not greater than 18-inches) and consist of natural field stone or rock (broken concrete is not allowed). All fill material shall be limited to the minimum amount necessary and consist of clean inert material which will not cause siltation nor contain soluble chemicals, organic matter, pollutants, or contaminants. All fill shall be contained in such a manner so as not to erode into any surface water, floodplain, or wetland. All raw areas associated with the permitted activity shall be stabilized with sod and/or seed and mulch, riprap, or other technically effective methods as necessary to prevent erosion.
10. No fill, excess soil, or other material shall be placed in any wetland, floodplain, or surface water area not specifically authorized by this permit, its plans, and specifications.
11. Dredging is not authorized by this permit.
12. All raw areas in uplands resulting from the permitted construction activity shall be effectively stabilized with sod and/or seed and mulch (or other technology specified by this permit or project plans) in a sufficient quantity and manner to prevent erosion and any potential siltation to surface waters or wetlands. Temporary stabilization measures shall be installed before or upon commencement of the permitted activity and shall be maintained until permanent measures are in place. Permanent measures shall be in place within five (5) days of achieving final grade.
13. All raw earth within 100 feet of a lake, stream, or wetland that is not brought to final stabilization by the end of the active growing season shall be temporarily stabilized with mulch blankets in accordance with the following dates: September 20th for the Upper Peninsula, October 1st for the Lower Peninsula north of US-10, and October 10th for the Lower Peninsula south of US-10.
14. Photos shall be taken upon completion of your project showing the "as-built" condition of your project. Photos shall be submitted via email to EGLE's Water Resources Division, Jackson District Office, within 30 days of completion of the project. Staff will use such pictures for monitoring compliance with your permit. Failure to submit these photos is an event of noncompliance.
15. Authority granted by this permit does not waive permit or program requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA or the need to acquire applicable permits from the CEA. To locate the Soil Erosion Program Administrator for your county, visit <https://www.michigan.gov/egle/about/organization/water-resources/soil-erosion/sesc-overview> and select "Soil Erosion and Sedimentation Control Agencies".
16. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state, or federal approval or authorization necessary to conduct the activity.
17. No fill, excess soil, or other material shall be placed in any wetland, floodplain, or surface water area not specifically authorized by this permit, its plans, and specifications.

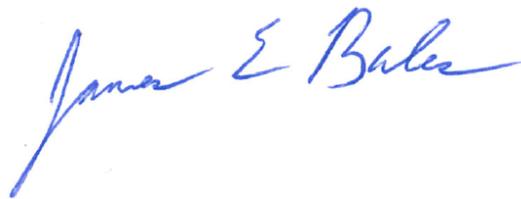
- 18. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.
- 19. The permit placard shall be kept posted at the work site in a prominent location at all times for the duration of the project or until permit expiration.
- 20. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by EGLE, will be for a five-year period beginning on the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.
- 21. Upon signing by the permittee named herein, this permit must be returned to EGLE's Water Resources Division, Jackson District Office for final execution. This permit shall become effective on the date of EGLE representative's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

X  10/20/22

 Permittee Date

X Frederic W^m Kredel Brown, Board Member, Barton Hills Maintenance Corporation
 Printed Name and Title of Permittee



Issued By: _____
 James Bales
 Jackson District Office
 Water Resources Division
 517-257-4532

THIS PERMIT MUST BE SIGNED BY THE PERMITTEE TO BE VALID.

- cc: Ann Arbor Township Clerk
 Washtenaw County Drain Commissioner
 Washtenaw County SESC
 Brian Steglitz, City of Ann Arbor
 Elizabeth Theile, Environmental Consulting and Technology, Inc.
 Sara Thomas, DNR
 Eric Calabro, EGLE
 Melissa Letosky, EGLE